

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MR. SANDLESS FRANCHISE, LLC,	:	CIVIL ACTION
	:	NO. 19-01267
Plaintiff,	:	
	:	
v.	:	
	:	
KAREN CESARONI, LLC, et al.,	:	
	:	
Defendants.	:	

ORDER

AND NOW, this **29th** day of **October, 2020**, after considering Counterclaim-Defendants' Motions to Dismiss the amended Counterclaims (ECF Nos. 85, 86), Counterclaim-Plaintiffs' Responses thereto (ECF Nos. 87, 88), and Counterclaim-Defendants' Reply (ECF No. 89), it is hereby **ORDERED** that the Motion to Dismiss filed by Mr. Sandless Central Massachusetts and Frank Pupillo (ECF No. 85) is **GRANTED**. For the reasons set forth in the accompanying memorandum, the Counterclaims against Mr. Sandless Central Massachusetts and Frank Pupillo are dismissed for lack of personal jurisdiction. Accordingly:

1. Count II of the Counterclaim (ECF No. 84) is **DISMISSED**;
2. Count III of the Counterclaim (ECF No. 84) is **DISMISSED** as to Mr. Sandless Central Massachusetts and Frank Pupillo only;

3. Count IV of the Counterclaim (ECF No. 84) is **DISMISSED** as to Mr. Sandless Central Massachusetts and Frank Pupillo only; and
4. As all Counts against them are dismissed, Mr. Sandless Central Massachusetts and Frank Pupillo are **TERMINATED** as parties to this action.

It is **FURTHER ORDERED** that the Motion to Dismiss filed by Mr. Sandless Franchise, LLC and Daniel Prasalowicz (ECF No. 86) is **GRANTED in part and DENIED in part**. For the reasons set forth in the accompanying memorandum, Counts V and VI are dismissed against Daniel Prasalowicz for failure to state a claim.

Accordingly:

1. Count V of the Counterclaim (ECF No. 84) is **DISMISSED** as to Daniel Prasalowicz only; and
2. Count VI of the Counterclaim (ECF No. 84) is **DISMISSED** as to Daniel Prasalowicz only.

Therefore, the following Counterclaims remain:

1. Count I against Mr. Sandless Franchise;
2. Count III against Daniel Prasalowicz;
3. Count IV against Mr. Sandless Franchise and Daniel Prasalowicz;

4. Count V against Mr. Sandless Franchise; and
5. Count VI against Mr. Sandless Franchise.

AND IT IS SO ORDERED.

/s/ Eduardo C. Robreno
EDUARDO C. ROBRENO, J.